IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9573 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ABDUL SAAMD YAKUB PATEL

Versus

DISTRICT SUPPLY OFFICER

Appearance:

MR M.M. SHAIKH for MR SK BUKHARI for Petitioner

MR UR BHATT, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/04/2001

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Rule returnable today. Mr. U.R. Bhatt, learned AGP waives service of rule on behalf of the respondents.

2. On a joint request of learned counsel for the parties the matter is taken up for hearing today.

3. As a result of the hearing and discussion it becomes apparent that the impugned order at Annexure-F has been passed behind the back of the petitioner, who has already been granted a licence for running a fair-price shop, and which was being operated by him. The impugned order at Annexure-F grants a licence in favour of some other person impliedly revoking the petitioner's licence without hearing the present petitioner.

4. On the facts and circumstances of the case, on the basis of a consensus arrived at between the learned counsel, the impugned order at Annexure-F is hereby quashed and set aside and the matter is remanded back to the appellate authority for re-hearing of appeal/ application No.18/99, which shall be decided on merits and in accordance with law, after affording an opportunity of hearing to the present petitioner. It is accordingly so directed. It is clarified that until the said appeal is heard afresh and disposed of on merits as directed hereinabove, the licence and the business of the petitioner shall not be disturbed. Rule is made absolute accordingly with no order as to costs.

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